

REMARKS

Claims 1 through 21 were presented for examination in the present application. Claims 1 through 21 remain pending for consideration upon entry of the instant response. Applicant respectfully reserves the right to file a divisional application directed to the subject matter of the non-elected claims.

The Office Action requires restriction among the following groups: Group I, claims 1-3 and 14-16; Group II, claims 4-16; Group III, claims 17 and 19-21; and Group IV, claims 18 and 19-21.

Applicants elect the invention of **Group I**, which includes claims 1-3 and 14-16.

The Office Action further requires the election of a single species from the following alleged species: 1) a specifically named single species of virus, such as flavivirus or pestivirus, as recited in claims 1, 4, and 9, for example; 2) a specifically named single species of recombinant viral vector, such as retrovirus, adenovirus, AAV or HSV, as recited in claims 8, 12, and 13, for example; 3) a specifically named single species of phenotype associated with viral infection, such as fever, rash, bleeding, jaundice, arthralgia, myalgia, encephalitis or meningitis, as recited in claim 16, for example; and 4) a specifically named single species of expression parameter, such as protein or mRNA level, as recited in claim 19, for example.

Applicants elect, with traverse, **flavivirus** as recited in claims 1, 4, and 9 and **encephalitis** as recited in claim 16.

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. See MPEP 803. It is respectfully submitted that searching and examining the subject matter of each of the alleged species not place a serious burden on the Examiner. Accordingly, Applicant

respectfully requests reconsideration and withdrawal of the Requirement for Restriction with regard to the alleged species.

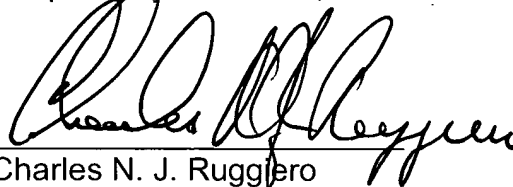
In addition, the Office Action asserts that "The following claim(s) are generic: 1-21". See, pg. 5, line 7.

As such, Applicants respectfully request consideration and examination of pending claims 1 through 21.

In view of the above, it is respectfully submitted that the present application is in condition for examination. Applicants respectfully request favorable consideration and passage of this application to allowance.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,



Charles N. J. Ruggiero
Reg. No. 28,468
Attorney for Applicant(s)
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th floor
Stamford, CT 06901-2682
Tel: (203) 327-4500
Fax: (203) 327-6401

Date: July 29, 2008